

HOUSE BILL 746

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2004 Regular Session
4r1631
CF 4r1632

By: **Chairman, Judiciary Committee (By Request - Maryland Judicial Conference)**

Introduced and read first time: February 6, 2004

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 9, 2004

CHAPTER _____

1 AN ACT concerning

2 **Marriage Ceremonies - Authorized Officials - Fees**

3 FOR the purpose of clarifying the judges who are authorized to perform marriage
4 ceremonies in the State; establishing a fee for a marriage ceremony performed
5 by a Maryland judge; providing that a fee for a marriage ceremony performed by
6 a Maryland judge is nonrefundable and payable before a marriage license is
7 issued; and generally relating to marriage ceremonies performed by judges.

8 BY repealing and reenacting, with amendments,
9 Article - Family Law
10 Section 2-406(a) and 2-410(a)(1), (2)(i), and (6)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Family Law**

16 2-406.

17 (a) (1) In this subsection, "judge" [means] MEANS:

18 (I) a [sitting or retired] judge of the District Court, a circuit court,
19 the Court of Special Appeals, OR the Court of Appeals[.];

1 (II) A JUDGE APPROVED UNDER ARTICLE IV, § 3A OF THE
 2 MARYLAND CONSTITUTION AND § 1-302 OF THE COURTS ARTICLE FOR RECALL AND
 3 ASSIGNMENT TO THE DISTRICT COURT, A CIRCUIT COURT, THE COURT OF SPECIAL
 4 APPEALS, OR THE COURT OF APPEALS;

5 (III) [the] A JUDGE OF A United States District Court [for the
 6 District of Maryland,] or [the] A United States Court of Appeals [for the Fourth
 7 Circuit,]; or

8 (IV) a [sitting or retired] judge of [another] A state [or federal]
 9 court [that has substantially equivalent jurisdiction] IF THE JUDGE IS ACTIVE OR
 10 RETIRED BUT ELIGIBLE FOR RECALL.

11 (2) A marriage ceremony may be performed in this State by:

12 (i) any official of a religious order or body authorized by the rules
 13 and customs of that order or body to perform a marriage ceremony;

14 (ii) any clerk;

15 (iii) any deputy clerk designated by the county administrative judge
 16 of the circuit court for the county; or

17 (iv) a judge.

18 2-410.

19 (a) (1) Except as provided in this subsection, a [clerk] JUDGE, CLERK, or
 20 deputy clerk may not receive any fee, remuneration, or gift for performing a marriage
 21 ceremony.

22 (2) (i) 1. A MARYLAND JUDGE'S FEE FOR PERFORMING A
 23 MARRIAGE CEREMONY IS A NONREFUNDABLE FEE, PAYABLE TO THE CLERK BEFORE
 24 A MARRIAGE LICENSE IS ISSUED, IN THE AMOUNT OF \$30 IN CECIL COUNTY AND \$25
 25 IN ANY OTHER COUNTY.

26 2. [Except as provided in paragraph (6) of this subsection,
 27 the] THE clerk's or deputy clerk's fee for performing a marriage ceremony is [\$25] \$30
 28 IN CECIL COUNTY AND \$25 IN ANY OTHER COUNTY.

29 (6) In Cecil County:

30 (i) [the clerk's or deputy clerk's fee for performing a marriage
 31 ceremony is \$30;

32 (ii) of the funds remaining after the payment into the general fund
 33 of the County under paragraph (2)(ii) of this subsection, the clerk shall pay:

34 1. \$5 of each fee to the Cecil Historical Trust, Incorporated;
 35 and

